

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 01-295
Table of Allotments,) RM-10305
FM Broadcast Stations.) RM-10381
(Jayton, Texas))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 5, 2003

Released: February 7, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein the *Notice of Proposed Rule Making*¹ (“Notice”), issued in response to a petition filed by Linda Crawford (“Petitioner”) proposing the allotment of FM Channel 231A at Jayton Texas, as that community’s first local aural transmission service.¹ Petitioner filed supporting comments. Robert Fabian (“Fabian”) filed a counterproposal proposing the allotment of Channel 231C2 at Jayton,² and stated his intention to apply for the higher class channel (RM-10381). No other comments were received.

2. We will allot the highest class channel requested to a community that meets the technical provisions of our Rules.³ In that manner we can assure the most effective and efficient management of the frequency spectrum while providing the public with the greatest coverage area broadcast facility to the requested community. It has been demonstrated that Channel 232C2 is available to Jayton, and therefore we will not consider a Class A allotment in this proceeding.

3. A staff engineering analysis has determined that Channel 231C2 can be allotted to Jayton, Texas, consistent with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission’s Rules, provided the transmitter site is located at least 9 kilometers (5.6 miles) west of the community.⁴ In view of the interest expressed by Fabian in providing Jayton, Texas, with a higher class, first local aural transmission service, we will allot Channel 231C2 to that community as requested.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and

¹Jayton, Texas, 16 FCC Rcd 18078 (M.M. Bur. 2001).

² The counterproposal was placed on Public Notice February 27, 2002, Report No. 2533, and assigned rule making number RM-10381.

³ See Ludlow, California, 10 FCC Rcd 563 (M.M. Bur. 1995).

⁴ Coordinates for Channel 231C2 at Jayton, Texas, are 33-15-35 NL and 100-40-08 WL.

307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **March 24, 2003**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, under Texas, IS AMENDED, to read as follows:

<u>City</u>	<u>Channel No.</u>
Jayton, Texas	231C2

5. IT IS FURTHER ORDERED, That the petition for rule making filed by Linda Crawford (RM-10305), requesting the allotment of Channel 231A to Jayton, Texas, IS DENIED.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. A filing window for Channel 231C2 at Jayton Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

8. For further information concerning the above, contact Nancy Joyner, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau